The Cochin Verumpattamdars Act (Amendment) Bill

(Mr. A. Eachara Menon)

***Mr. A. Eachara Menon** *(Chittur-Rural):* I beg to present the Select Committee report on the Cochin Verumpattamdars Act (Amendment) Bill.

The majority of the committee are against allowing eviction for self cultivation because it is not possible to prevent effectively the abuse of a provision enabling eviction for self cultivation. The committee do not find their way to recommend any amendment for the purpose of eviction for self cultivation.

The denial of the right of eviction for purposes of self cultivation has led to much heart-burning and discontent among the landlords. Those who have puachased lands for value in the open market feel more than others that the negation of this right is nothing but expropriation. The psycological effect of this aspect of the Verumpattamdar's Act tempts the landlord to enforce forfeiture whenever opportunities present themselves. I therefore think that some attempt may be made to confer the right of eviction with such safeguards and limitations are capable of being imposed to obviate abuses in the exercise of the right.

The Bill was referred to the committee formed to consider Mr. Ezhuthassan's Bill. The members of that committee were selected by the blind pro-tenant. It was a packed committee. The members of the committee regardless of their status refused to consider the pros and cons of the implications of the Bill. If they had only considered how stupendous were the changes effected by the Act, how manifold were the difficulties of those who were affected thereby and how laudable were the relations in main between the tenants and the jenmies hitherto they would certainly have at least to keep up their dignity as law makers been persuaded to hold the balance even. What are legislators benift of justice. Let them be pro-tenants but why should they be anti-jenmies? Both are their brethren and both must get on. All the jenmies are not heaven-born land-holders enjoying patrimony. The latter elass is not affected adversely by the Act. But the former are only jenmies in name. These have by the Act become the slaves of their tenants. The law which is not just, which is inequitable and which is not conducive to the good of all concerned is revolutionery and the revolutionery character of it should be removed must be the aim of the legislature. In this the committee have failed.

There will be many families having small pieces of land which they themselves would be able to cultivate. If it is given on rent the pattam will be very meagre. They have to purchase paddy seeds. There will be gardens which are not given on rent to the tenants. From these gardens the usufructs are taken by the landlords. Fences will have to be put and watchers appointed. The landlords can go to their estates, cultivate vegetables and make it possible for them to lead a happy life. According to the Act the landlords cannot enter these estates because it is presumed by the tenants that since the gardens and parambas are in their possession the landowners should not enter their lands. If 3 acres are given and they are allowed to cultivate as they liked this difficulty will go and they may get on with the property. The main objection to this is if a portion of the land is given to the jenmies they will not cultivate and they would after some time give it to other tenants for cultivation. It is only to deprive the present tenants of such property that the jenmies are requiring it. It is not so. It is by sheer necessity that these people are asking for small pieces of land which they should have themselves cultivated. There will be equal justice both to the tenant and the landlord. Sir, I move that the Bill may be taken into consideration.

Mr. K. M. Ibrahim *(Cranganur):* I second it.

Motion put and carried

***Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* My sense of duty, Sir, compels me to oppose the motion. Whatever be the views entertained by my elder brother from Chittur about the nature of the committee that considered this Bill and reported for publication, I submit, Sir, that they could not do anything than what they did. If only they wanted to avoid the charge of being persons who are not competent to do the work which they are asked to do. I use these words, deliberately, Sir, this is due to eviction being allowed for purposes of self cultivation which had been agitated by older jenmies and older jenmi like members both at the time of the sitting of the Select Committee and also when the original report was considered in Makaram 1118. In had been agitated by older jenmies and older jenmi like members both at the time of the sitting

*Speech not corrected by the Hon'ble Member.

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introducing the Bill in 1118 the Hon'ble Member for Revenue who was the Mover of the Bill had stated, Sir, that however attractive or necessary the proposition for eviction for self cultivation may look the fact that that such privileges are abused is something that came out the imagination of the Hon'ble Mover of the Bill, the Hon'ble Revenue Member. But from the experience of the places in British Malabar where that was exterminated for a long number of years, as wise men, the Members of the Select Committee had considered the original Bill which did not incorporate the provision for self cultivation that was referred to by the Hon'ble Member for Revenue at the time of introduction of the Bill.

At this stage the Deputy President took the Chair.

Various Hon'ble Members tabled amendments at that time for having an amendment for introducing the clause for purposes of self cultivation with different rates of acreage. There was an amendment that one acre, if necessary may be taken, there was another amendment that five acres may be taken and yet another that 50 per cent may be taken. There were other amendments that a certain class of jenmies may be allowed the privilege of eviction for the purposes of self cultivation. The printed proceedings of this Council will show the innumerable amendments that had been tabled by a large number of them on this subject. But all except the Hon'ble Jenmi Member's amendment on that subject were wisely withdrawn by the various Hon'ble Members who had tabled the amendment with varying degrees of acreage and with the experience of the working of this clause in British Malabar. It is nothing strange to me that his Bill was introduced by the Hon'ble Member for Chittur-Rural. Because, Sir, this House may be pleased to remember that when I introduced a Bill in last Makaram for amending the Verumpattamdar's Act which is the next item in the agenda the Hon'ble Member like my friend had the turn of mind to break the established convention of this House running for a period of 19 years and more. When a man is deprived to that extent as to break the convention of 19 years, an attempt like the introduction of the Bill like the one that he has brought is something not at all surprising. The character of the Hon'ble Members of the Select Committee with special reference to poor me is also excusable. That is not surprising. That is only in the fitness of things in which the Hon'ble Member now is. I leave it without much more comment.

Now upon the motion before the House. Resting my objection and opposition slowly on the ground that if persons from experience cannot grow wiser they must cease to be human beings. We have the experience of British Malabar. It has been abused and therefore that need not be repeated here. In enlightened Cochin where the relationship between the jenmi and the tenant has been most happy and will continue also to be happy if a few more amendments of the Verumpattam Act are tabled in such a State, this mischief need not be had and hence I oppose.

Mr. A. V. Moothedan *(Chalakkudi)* : The dissenting note of the Hon'ble Member Mr. Eachara Menon is strongly worded. If it were not Mr. Eachara Menon, I would have taken it as an offence.

The Hon'ble Member is an elderly karanavan of this House. The Hon'ble Member points out that members of the Committee were selected by the blind members. He also referred to the implication. I do not say anything about the implication I cannot say that this Bill is entirely useless. I must say there is some substance. There are small jenmies and big jenmies having 3 acres of land, 5 acres of land, etc., which they must have leased to the tenants. On account of the Verumpattam Act they cannot evict them. In such cases there should be an exemption that is my view and there are several people who join with me. They are middle class people. They are not jenmies. Only 5 acres of land. Is he a jenmi ? He loses and he cannot evict them. The mistake committed by the member is that he has found fault with many members. As it is, the whole language is bad. I am unable to support.

* മിസ്റ്റർ സി. കെ. നായർ: സർ, മിസ്റ്റർ ഈച്ചരമേനോന്റെ ബില്ലിൽ കാണുന്നിടത്തോളം ഭാഗം മുഴുവൻ അനുകൂലിക്കുവാൻ എനിക്കു തരമില്ലെങ്കിലും കൊച്ചി രാജ്യത്തിലെ ജനസാമാന്യത്തിന്റെ സാധാരണ നില നോക്കുമ്പോൾ ഇതിന്റെ അവസാന ഭാഗം സ്വീകരിക്കേണ്ടതാണെന്നു എനിക്കു തോന്നുന്നുണ്ട്. അതായതു് അഞ്ചേക്കറിൽ അധികം ഭൂമിയില്ലാത്ത ഒരാൾക്കു അത്രയും സ്വന്ത കൃഷി നടത്തേണ്ട ആവശ്യത്തിനു് ഒഴിച്ചുകൂടുവാനുള്ള അവകാശം നിയമംമൂലം നൽകേണ്ടതാണെന്നാണു് എന്റെ അഭിപ്രായം. കൊച്ചീരാജ്യത്തു

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ഈ ജന്മിക്കുടിയാൻ വാദം തുടങ്ങിയ കാലം മുതൽ ഇന്നോളവും ജന്മിക്കുടിയാൻ എന്ന രണ്ടു പദം കൊച്ചിയിലെ ജനങ്ങളെ മുഴുവൻ ബാധിക്കുമോ എന്ന കാര്യം സംശയമാണു്.

മിസ്റ്റർ എ. വി. മൂത്തേടൻ: ഭിക്ഷക്കാരുണ്ടു്.

മിസ്റ്റർ നി കെ. നായർ: ഭിക്ഷക്കാർക്കു ഒരു സ്ഥാനവും കൊച്ചി രാജ്യക്കാർ കൊടുക്കുന്നില്ല. അതുപോലെ അവഗണിക്കപ്പെട്ട ഒരു ജനസമൂഹം ജന്മിക്കുടിയാന്മാരുടെയിടയിൽ ഉണ്ടെന്നാണു് ഞാൻ പറയുന്നതു്. കൊച്ചിയിൽ ജന്മി എന്ന പദത്തിനു ഗവമ്മെണ്ടു കല്പിച്ചിട്ടുള്ള അർത്ഥം ഉ ഒം കക്കു മേൽ നികുതി കൊടുക്കുന്ന ആളുകളാണെന്നു ആ നിയോജക മണ്ഡലത്തിലെ സമ്മതിദായക യോഗ്യത വെളിപ്പെടുത്തുന്നുണ്ടു്. കുടിയാൻ എന്ന പദത്തിനു അന്യരുടെ കൃഷി പാട്ടത്തിനു നടക്കുന്നവർ എന്നാണു് അർത്ഥം. ഈ രണ്ടിന്റേയും ഇടയിൽ നിലമുടമസ്ഥന്മാർ എന്നൊരു വിഭാഗമുണ്ടു്. ഇവർ ജന്മികളല്ലാതിരിക്കയും അന്യന്മാരുടെ കൃഷി പാട്ടത്തിനെടുത്തു നടക്കുവാൻ പോകാതിരിക്കയും ചെയ്യുന്നു. ഇവർക്കു കുറെ നിലത്തിന്റെ ഉടമസ്ഥാവകാശമുണ്ടായിരിക്കും. ഈ നിലമുടമസ്ഥന്മാരിൽ പലർക്കും ഭൂമി സ്വന്താവശ്യത്തിനു നടക്കേണ്ടതായി വന്നേക്കും. കൂട്ടുകുടുംബവ്യവസ്ഥപ്രകാരം ഭോഗസമ്പ്രദായം പണ്ടുമുതൽ ഉള്ളതാണു് ഒരു കുടുംബത്തിന്റെ സ്വത്തു്, ആ കുടുംബം ഭാഗിച്ചു പോകുമ്പോൾ ഓരോരുത്തർക്കും വീതിച്ചു കിട്ടുന്ന മാഹരി അപ്പോക്കറിൽ കവിയാതിരിക്കുന്നുവെങ്കിൽ, അതു അവർക്കു സ്വന്തമായി നടക്കുവാനാവശ്യമാണെന്നുണ്ടെങ്കിൽ അതു ഒഴിപ്പിച്ചെടുക്കുവാനുള്ള അധികാരം വേണമെന്നാണു് ഞാൻ പറയുന്നതു്. എന്നാൽ അപ്പോക്കർ ഭൂമിക്കു ഉടമസ്ഥന്മാരായിരുന്നവർ സ്വന്തമായി കൃഷി നടത്തുന്നവർ ആയിക്കൊള്ളണമെന്നില്ല. എങ്കിലും അന്നവരെ കൃഷിയിൽ ഏർപ്പെട്ടിട്ടില്ലാത്ത അയാൾ കൃഷിക്കാരനായാൽ കൊള്ളാമെന്നു് വിചാരിക്കുന്നതായാൽ അതിനു ഇന്നത്തെ നിയമം പ്രതിബന്ധമാണു്. ആ സമ്പ്രദായത്തെ നീക്കം ചെയ്യേണ്ടതു അത്യാവശ്യമാണു്. കൊച്ചിരാജ്യത്തു ജന്മികളെക്കാളും കൂടുതലാണു സ്വന്തം സ്ഥലത്തു കൃഷി നടത്തുന്നവരായ നിലമുടമസ്ഥന്മാരുടെ എണ്ണം. ഈ നിലമുടമസ്ഥന്മാർ എല്ലാവരും ഒന്നിച്ചു ഒരു ദിവസം കൃഷിനടപ്പു തുടങ്ങിയവരല്ല. കൃഷിനടത്തുന്നതിനുള്ള പ്രേരണകൊണ്ടു് അന്നന്നായി അവർ കൃഷിയിൽ ഏർപ്പെട്ടതായിരിക്കണം. ഈ സമ്പ്രദായം ഇനിയും ഉണ്ടായിക്കൊണ്ടിരിക്കും. ജീവിതക്ലേശത്തിനു ഏതെങ്കിലും ഒരു വിധത്തിൽ കുറവുണ്ടാക്കുവാൻ പറ്റുമാകുമെന്നു ഉദ്ദേശിച്ചായിരിക്കും അവരുടെ സ്വന്തം ഭൂമിയിൽ, അന്നവരെ കൃഷി നടത്താത്തവർ, കൃഷി നടത്തുന്നതിനു ഉദ്ദേശിക്കുന്നതു. ജീവിതക്ലേശനിവാരണത്തിനായി സ്വന്തം ഭൂമിയിൽ കൃഷി നടത്തുവാൻ പുറപ്പെടുന്നവർക്കു അതിനു സൌകര്യമുണ്ടാക്കികൊടുക്കുന്നില്ലെങ്കിൽ അതു ഈ രാജ്യത്തെ പൌരന്മാരുടെ സ്വാതന്ത്ര്യത്തെ ഹനിക്കലാണു്. ആ സ്വാതന്ത്ര്യമില്ലായ്മ ഒരിക്കലും വന്നുകൂടുവാൻ പാടില്ലാത്തതാണു്. അതുകൊണ്ടു് അങ്ങിനേയുള്ള നിലമുടമസ്ഥന്മാർക്കു, അവരുടെ സ്വന്തം ഭൂമി സ്വന്തം കൃഷി നടപ്പാവശ്യത്തിനു ഒഴിപ്പിച്ചെടുക്കുവാനുള്ള ഒരു വ്യവസ്ഥ വേണ്ടതുതന്നെയാണു്. ഈ വിഷയം സെലക്ടു് കമ്മിറ്റിയിൽ വന്നപ്പോൾ ഉണ്ടായ ഒരു വാദമുഖം ഞാൻ ഓർക്കുന്നുണ്ടു്. അയ്യഞ്ചു് ഏക്കറായി വസ്തു ഭാഗിച്ചു വസ്തു മുഴുവൻ ഭൂമിയുടമസ്ഥന്മാർ കൈവശമാക്കിയേക്കുമെന്ന വാദമാണു് പ്രധാനമായിട്ടുണ്ടായതു. അതിൽ വല്ല അർത്ഥവുമുണ്ടോ എന്ന കാര്യം സംശയമാണു്. സാധാരണ കാരണവന്മാർ വസ്തുവിലുള്ള അവരുടെ അധികാരം കൈവെടിയുവാൻ മടിയുള്ളവരാണു്. ഈ ഒരു കാര്യത്തിനുവേണ്ടി തങ്ങളുടെ അധികാരത്തിൽപെട്ട കൂട്ടസ്വത്തു ഭാഗിച്ചു അനന്തിരവന്മാരെ എല്പിക്കുവാൻ വല്ല കാരണവരും വിചാരിക്കുമോ? ഒരു പക്ഷെ കാരണവർ ഭാഗിച്ചു കൊടുത്താലും അനന്തിരവന്മാർ ആ ഭൂമിയിൽ കൃഷി നടത്തുവാൻ തയ്യാറാകുമെന്നു വിചാരിക്കുന്നതു അബദ്ധമാണു്. എന്നാൽ സ്വന്തമായി കൃഷി നടത്തുവാൻ ആഗ്രഹമുള്ളവർക്കു അവരുടെ സ്വന്തം ഭൂമി ഒഴിച്ചെടുക്കുവാനുള്ള അവകാശം ഉണ്ടായിരിക്കേണ്ടതാണു്. അതിനൊരു പരിഹാരം നാം കണ്ടുപിടിക്കേണ്ടതാണു്. അതുകൊണ്ടു് ഈ ബില്ലിലെ അതുദ്ദേശത്തെ ഞാൻ അനുകൂലിക്കുന്നു.

At 3-35 p.m. the Panel Chairman, Mr. A. V. Moothedan, took the Chair

* മിസ്റ്റർ കെ. എസ്സു്. പണിക്കർ: സർ, ഞാൻ ഈ ബില്ലിനെ എതിർക്കുന്നു. പക്ഷെ ബില്ലിൽ അടങ്ങിയിരിക്കുന്ന തത്വത്തെ ഞാൻ സ്വീകരിക്കുന്നു. വെമ്പാട്ടുകുടിയാൻ നിയമത്തെ സംബന്ധിച്ചിടത്തോളം ജന്മി കേവലം ഒരു ജന്മിയാകുമെന്നു ഒരു നിലവരുന്നുണ്ടു്. എന്നു ഒരാൾ മദ്രാസിൽ ജോലിക്കുപോയപ്പോൾ അദ്ദേഹത്തിനു തുകപ്പാടെയുള്ള ഫറ

*Speech not corrected by the Hon'ble Member.

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ക്ക നിലം ഒരാൾക്ക പാട്ടത്തിന്ന കൊടുത്ത അവിടെ ബോമ്പാക്രമണമുണ്ടാകുമെന്ന ഭയന്ന അയാൾ ഉദ്യോഗം രാജിവെച്ച നാട്ടിലേക്കുപോന്ന. അയാൾക്ക ഈ പത്ത പറക്ക നിലം മാത്രമെയുള്ള. ആ നിലം അദ്ദേഹത്തിന്ന കൃഷി ചെയ്യുവാൻ കിട്ടണമെന്ന വിചാരിച്ചാൽ അതു കിട്ടുവാൻ അയാൾക്കവകാശമുണ്ടായിരിക്കേണ്ടതാണ്. ഇതുപോലെയുള്ള കക്ഷികൾക്ക അവരുടെ വസ്തു ഒഴിപ്പിച്ചെടുക്കുവാന്നള്ള അവകാശമുണ്ടായിരിക്കേണ്ടതു് അത്യന്താപേക്ഷിതമാണ്. എന്നാൽ ഈ ബിൽ ഇങ്ങിനെ പാസ്സാക്കുന്നതായാൽ ഇതിനെ അടിസ്ഥാനപ്പെടുത്തി എല്ലാ ജന്മികളും അവരുടെ വസ്തു ഒഴിപ്പിച്ചെടുക്കുവാൻ ഇടവരുന്നതാണ്. അവർ ഈ അവകാശവും അധികാരവും ദുരുപയോഗപ്പെടുത്തുമെന്ന ഭയം കുടിയാന ധാരാളമുണ്ട്. അതുകൊണ്ട് അങ്ങിനെയുള്ള യാതൊരു ദോഷങ്ങളും കുടിയാന്മാക്ക നേരിടാത്തവിധത്തിൽ കുടിയാന വേണ്ടത്തക്ക പരിരക്ഷകളോടുകൂടിയ ഒരു ബിൽ ഗവണ്മെണ്ട ഗാഢമായി ആലോചിച്ച പിന്നീടുകൊണ്ടവരുകയാണെങ്കിൽ അതിനെ അനുകൂലിക്കുവാൻ ഈ നിയമസഭക്ക വിരോധമുണ്ടാകയില്ലെന്നാണ് ഞാൻ വിശ്വസിക്കുന്നതു്. ഈ ബിൽ ഇങ്ങിനെതന്നെ ഇവിടെ പാസ്സാക്കുന്നതായാൽ ഈ അധികാരം വെച്ചുകൊണ്ട പലരും അതിനെ ദുരുപയോഗപ്പെടുത്തിയേക്കും. അതുകൊണ്ട് കുടിയാന് ദോഷം വരാത്തവിധത്തിൽ വേണ്ടത്തക്ക പരിരക്ഷകളോടുകൂടിയ ഒരു ബിൽകൊണ്ട വരുവാൻ ഞാൻ ഗവണ്മെണ്ടിനോട അഭ്യർത്ഥിച്ചുകൊണ്ട് ഈ ബില്ലിനെ ഞാൻ എതിർക്കുന്ന.

***Mr. C. V. Iyyu** *(Kunnamkulam):* The position in this connection is this. Our existing Tenancy Act of 1113 contains no provision for eviction for self-cultivation. Most of the kanam tenants, practically the whole, are middle classes in the State. Almost all the verumpattam tenants are the cultivating classes and practically in the hierarchy of rights they will be in the lowest order. There is agitation going on in the State about temple entry for Ezhuvas.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* Not only for Ezhuvas.

Mr. C. V. Iyyu *(Kunnamkulam):* Mainly for Ezhuvas. Supposing Ezhuvas are given temple entry. They will object to the temple entry of Nayadies and Pulayas. The position taken up by the Hon'ble Member for Chittur Rural is the same. There ought to be fixity of tenure for the kanam tenant but he is not prepared to concede that to his tenants or to the verumpattamdars just as certain conservative orthodox, bigoted Ezhuvas advanced like the Hon'ble Member for Mukundapuram Ezhuvas who the other day objected to the introduction of the Livestock Bill and supported the offering of a bull.

Mr. K. S. Panicker *(Ezhuvas-Mukundapuram):* Because I am a Shaivite.

Mr. C. V. Iyyu *(Kunnamkulam):* So, Ezhuvas object to the entry of Pulayas into their temples. The same thing is applicable to this objection of giving fixity of tenure and not granting the right of self-cultivation for bona fide cultivation. I have come across instances in British Malabar near my constituency of the misuse of this provision which still exists in the Malabar Tenancy Act. A big landlord in Walluvanad Taluk has evicted more than 300 of paddy lands near his residence. All these were kanam lands and when fixity of tenure was given the whole lands were evicted and have been converted into verumpattam. No court can hold that a man residing so close by is not wanting for bona fide cultivation. His bona fides can easily be proved from the very fact that he is living very near the paddy fields. Even now he does not cultivate. It is because of such things that the Select Committee appointed to consider the Verumpattamdars Bill when it was originally introduced, considered it in all its aspects and they reported that the section will be misused if introduced. It will be just as taking back by the left hand the gift which has been given by the right hands. Even the amendment which has been passed recently and the whole Verumpattamdars Act will become a dead letter if this is introduced. As far as Chittur Taluk is concerned, of course, there are larger holdings than any other Taluks in the State. Even in the case of Malabar District as far as my limited knowledge goes, in the Ponnani, Palghat and Walluvanad Taluks, only in Ponnani Taluk there are small holdings. If eviction of 5 acres is allowed, I think almost all the Verumpattamdars will have to be effected. Most of the holdings, of course due to partition in the different communities and the partition laws which were now being enacted even in such a community as the Nambudiri community, fragmentation of holdings happens everyday, with the result that there may not be many tenants who hold more than 5 acres. I do not think that Government have any statistics of the number of tillers of the soil who till more than 5 acres in the State. Of course, we can only have by common knowledge that as far as the Taluks in the State other than Chittur are concerned small holdings are far more than big holdings and in Chittur the conditions are otherwise. So, just to

*Speech not corrected by the Hon'ble Member.

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solve the problem of a few landlords in Chittur Taluk, the whole of the State cannot be taxed or the tenantry in the whole of the State and the cultivator in the whole of the State cannot be allowed to suffer. I am myself the so-called middle class who has verumpattamdars under myself, of course not a big middle class man. Yet, I will not be benefitted if this is, passed. But on a principle which this House has adopted, a very salutary principle, with which we have advanced our neighbouring State as well as the neighbouring province and which we have worked very successfully for the last two years in the larger interests of the cultivator and for more production of food, this has to be kept on in the Statute Book for some more time. I also like to add that these are days when we want more food. If the cultivator has not the confidence that land will not be evicted, and if he has not the conviction that whatever labour he does, whatever manure he puts in the soil, will be for his own benefit, he will never labour with the restlt that we will get less of paddy and less of other produce. From one side Government starts the grow more food campaign and when the Government introduced the Verumpattamdars Bill they even said that the policy of Government was to encourage the grow more food campaign especially at this time and Government have also that view when they introduced the Verumpattamdars Bill. The conditions when the Bill was introduced and passed have only deteriorated now, and no change has undergone. Under these circumstances, I appeal to the House and Government to oppose the Bill and see that the salutary provision of not to evict the tenant for self-cultivation be kept on.

***Mr. T. P. Poulose** *(Kanayannur):* When the Bill was originally moved, I tried to make a distinction between leases which are more or less or a permanent nature, not theoretically permanent by the enjoyment of which has been for a long time continuing—leases which form a sort of temporary arrangement. For example, a person may go for Government service or to take up some other avocation, when they go like that, they may lease their property to some tenant. It is not because they are landlords in the strict sense of the term. But as a temporary arrangement for practical convenience they lease it like that. It is hard that in the case of such leases the landlord is not allowed to evict the tenant if he wants the land for his own cultivation. Even in the case of kanam, it is only 30 years' kanam that is kanams as old as 1090 that are made non-evictable. In the case of verumpattams, if a lease is executed last year, it is not evictable. There is that difference between the Verumpattamdars Act and the Tenancy Act. As the Bill now stands it is impossible to support it. If the Bill was in that form there would have been some reason for making a distinction between leases of a permanent nature and temporary arrangements technically coming under the definition of the term verumpattamdar. Mr. Eachara Menon's Bill does not make any distinction between the two classes. If it is passed as such, there will be abuse of this provision and every landlord will say that he wants to evict for self-cultivation aud may evict the tenants. The only safeguard is with regard to the limitation of the acreage. But that can be defeated if the idea is that the acreage is to be decided with reference to the date of the lease. The idea of 5 acres should be determined with reference to the date of the lease deed. The idea is supposed to be that the extent of the 5 acres should be with reference to the date on which eviction can be claimed. In that case this will easily be circumvented by resorting to false transfers for the purpose of eviction, in the name of the wife, etc. As such it, is very difficult to support it and the Bill in this form I do not find my way to support. I do not find also any amendment in the way in which I thought it was to be. It would have been better if some such distinction were made and an amendment was tabled. In fact, even when the Bill was amended I drew a distinction between permanent leases, permanent not in the technical sense, and temporary arrangements which fall within the definition of the term "Verumpattamdar in the Verumpattamdars Act".

*മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനയ്യതിരി: ഞാൻ ഈ ബില്ലിനെ എതിർക്കുന്നു. ഈ അപകടമൊക്കെ ഉണ്ടാക്കിയതുതന്നെ ഗവമ്മെണ്ടാണു്. ആദ്യം ഒരു വെറും പാട്ടക്കുടിയാൻ ബിൽ കൊണ്ടുവന്നപ്പോൾ അതിനു് ഒരു ഭേദഗതി കൊണ്ടുവന്നു് ഗവമ്മെണ്ടു് അതിനെ എതിർത്തു. അതു സെലക്ട് കമ്മിറ്റിയുടെ അന്വേഷണത്തിനു വിട്ടുകൊടുക്കണമെന്നു് പറഞ്ഞു ഗവമ്മെണ്ടു് അതിനെ എതിർത്തു. എന്താണു് അതിനുശേഷം ഗവമ്മെണ്ടിനു് വന്നിട്ടുള്ള ബുദ്ധിമുട്ടു് എന്നെനിക്കു മനസ്സിലാകുന്നില്ല. കൗണ്ടിവേഷൻ ചെയ്യാലും ഇല്ലെങ്കിലും റേഷൻകാലമാണിതു്. കൗണ്ടിവേഷൻ കാരണം യാതൊരു ബുദ്ധിമുട്ടും കൂടാതെ നെല്ലു് ആരുണ്ടാക്കിയാലും ഗവമ്മെണ്ടിലേക്കുള്ളതു കിട്ടുന്നുണ്ടു്. കുടിയാനെ ഒഴിപ്പിച്ചിട്ടുള്ള

* Speech not corrected by the Hon'ble Member.

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ഭൂമിയിൽ കൂടിയാൻ മുതിരുക്കുന്നതുകൊണ്ടാണ്. അതിൽനിന്നും കൂടിയാൻ മാറുകയാണെങ്കിൽ ആ ഭൂമി ജന്മിക്കു കിട്ടണമെന്നും വരുന്നപക്ഷം അതു ജന്മിക്കും കൂടിയാനും ഗുണമായി. ജന്മിതന്നെ അതു സറണ്ടർ ചെയ്യാനിടയായാൽ കൂടിയാനു് എന്തെങ്കിലും കിട്ടും.

മിസ്റ്റർ സി. വി. ഇയ്യു: ആ വില ജന്മി കൊടുക്കുവാൻ തയ്യാറുണ്ടെങ്കിൽ അതു ജന്മിക്കു കിട്ടേണ്ടതാണു്.

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരി: വിലയുടെ കാര്യമല്ല. ജന്മിക്കു കൃഷിചെയ്യുവാനുള്ള ഭൂമി ജന്മി സറണ്ടർ ചെയ്തുകൊടുക്കണം. വെറുതെ ജന്മിയേയും കൂടിയാനേയും തമ്മിൽതമ്മിൽ തല്ലിക്കുകയാണു് ചെയ്യുന്നതു്. ഇപ്പോൾ ഈ ബില്ലു് പാസ്സായാൽ ഇനിയത്തെ തവണ വേറെ ഒരു ബില്ലു കൊണ്ടുവരും. അതല്ല വേണ്ടതു്. ജന്മി കൃഷി നടത്തിയോ വേറെ വല്ലവരെക്കൊണ്ടും കൃഷി നടത്തിച്ചോ എന്നുകൂടി നോക്കണം. ഒരു ആൾക്കു തനിച്ചു് നിലം കൃഷിചെയ്യുവാൻ കിട്ടിയില്ല എന്നുള്ള കാരണത്തിന്മേൽ ഇങ്ങിനെ മാറി മാറി ഓരോ അമെൻറുമെൻറു് കൊണ്ടുവന്നാൽ ശരിയല്ല. എന്തെങ്കിലും ഒരു പ്രിൻസിപ്പിൾവെച്ചു് ഒരു ബില്ലു് കൊണ്ടുവന്നു് അതു നിയമമായാൽ ഉടനെ അതിനൊരു അമെൻറുമെൻറും കൊണ്ടുവരും. ഇങ്ങിനെ എത്രത്തോളം കുഴപ്പമാണു് ഗവമ്മെണ്ടു് നിയമങ്ങളെ സൃഷ്ടിച്ചു് ഈ കൊച്ചിരാജ്യത്തുണ്ടാക്കുന്നതെന്നുള്ളതിനു കണക്കില്ല. ഇപ്പോൾ ഡിഫൻസ് പ്രകാരമുള്ള കുഴപ്പങ്ങൾതന്നെ വളരെയുണ്ടു്. ആ സ്ഥിതിക്കു് ഈ നിയമങ്ങൾതന്നെ കുറെ കുറച്ചാൽ രാജ്യത്തു വളരെയധികം സമാധാനം കിട്ടും. (ഹിയർ, ഹിയർ) പല നിയമങ്ങളും കുറച്ചു് പുതിയ നിയമനിർമ്മാണങ്ങളും നിറുത്തിവെച്ചാൽ വളരെ സമാധാനമായി ജീവിക്കുവാൻ സാധിക്കും.

മിസ്റ്റർ പി. കുമാരനെഴുത്തശ്ശൻ: അപ്പോൾ കടലാസിനുതന്നെ വളരെ ലാഭമുണ്ടാകും.

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരി: വല്ല ഇലയിലോ പോളയിലോ എഴുതിയയക്കുകയാണെങ്കിൽ അതാണു് സംഗതി നടക്കുവാൻ എളുപ്പം. ഇപ്പോൾ കാപ്പി കുടിക്കുവാൻ പഞ്ചസാര വേണമെങ്കിൽ അതിനു് സ്റ്റാമ്പു് ഒട്ടിച്ചു് ഫുഡു് സപ്ലൈ ഡയറക്ടർക്കു് ഒരു അപേക്ഷ കൊടുക്കണം. എങ്കിലേ കാപ്പിക്കു പഞ്ചസാര കിട്ടുകയുള്ളൂ. ഇനിയത്തെ മാസംമുതൽ മുണ്ടിനു കൺട്രോൾ വരുന്നുണ്ടെന്നു കേട്ടു. അങ്ങിനെയായാൽ ഫുൾ മുഴം മുണ്ടിനു മേൽ കിട്ടുവാനും സംഗതിയുണ്ടെന്നു വരും. മുണ്ടുകൂടാതെ നടന്നുകളയാമെന്നു വെച്ചാൽ ആളുകളും സമ്മതിക്കുകയില്ലല്ലോ. അങ്ങിനെയാവാമെന്നു വന്നാൽ ഈ കൌൺസിലിൽതന്നെ മുണ്ടുകൂടാതെ വരികയും ചെയ്യാം. (ചിരി) ഇത്തരത്തിൽ ആളുകളെ നിയമംകൊണ്ടു വല്ലാതെ ബുദ്ധിമുട്ടിക്കുകയാണു് ചെയ്യുന്നതു്.

ഖാൻ സാഹിബു് ഇസ്മായിൽ ഹാജി ഈസാ സേട്ട്: മഹാത്മാഗാന്ധിയുടെ രീതിയിലാകാമല്ലോ?

മിസ്റ്റർ സി. എൻ ഇട്ടിരവിനമ്പൂതിരി: അതുകൊണ്ടു് ഈ ബില്ലിനെ സംബന്ധിച്ചിടത്തോളം ഒന്നും ചെയ്യേണ്ട ആവശ്യമില്ലെന്നുള്ള അഭിപ്രായക്കാരനാണു് ഞാൻ. ഇപ്പോൾ അഞ്ചേക്കർ ഒഴിഞ്ഞുകിട്ടണമെന്നു പറയുന്നു. നിലം ഒഴിഞ്ഞുകിട്ടിയാൽ എങ്ങിനെയാണു് കൃഷിചെയ്യാൻ സാധിക്കുക. ഈ രാജ്യത്തെ കൃഷിക്കാരെല്ലാം മറ്റു രാജ്യങ്ങളിലേക്കു് പോയിക്കഴിഞ്ഞിരിക്കുന്നു.

മിസ്റ്റർ എ. ബി. സേലം: തൃശ്ശിവപേരൂരിൽ ആറണക്കു കൂലിക്കാർ ഉണ്ടല്ലോ.

മിസ്റ്റർ സി. എൻ. ഇട്ടിരവിനമ്പൂതിരി: ഏതു് അങ്ങാടിയിലാണതു്?

ഏതായാലും യുദ്ധം കഴിഞ്ഞിട്ടു മതി ഇതിനെപ്പറ്റിയുള്ള ആലോചനയെല്ലാം. ഇപ്പോൾ കൊയ്യാനുംകൂടി ആളെ കിട്ടുകയില്ലെന്നാണു് കേട്ടതു്. ആലപ്പുഴയിലും മറ്റും കൊയ്യാൻ വലിയ ബുദ്ധിമുട്ടുണ്ടായതായി കേട്ടു. താമസിയാതെ അതിന്റെ കാര്യവും ഇവിടെയും എത്തിയേക്കും. കൊയ്യാനും മറ്റും പണ്ടത്തെ റേയിറ്റൊന്നും കൊടുത്താൽ പോരാ ഇപ്പോൾ. ചില സംഗതികളിൽമാത്രം കൺട്രോൾ വെച്ചാൽ വലിയ ബുദ്ധിമുട്ടാണു്. ഗവമ്മെണ്ടോ ഗവമ്മെണ്ടിന്റെ പ്രതിനിധികളോ ഇതിന്റെ വാസ്തവം എന്താണെന്നു് അറിയുന്നില്ലായിരിക്കും. അവർക്കു പണിത്തിരക്കു കാരണം ഇതൊന്നും അന്വേഷിക്കുവാനുള്ള സൌകര്യം ഉണ്ടായിരിക്കയില്ല. ഇക്കൊല്ലത്തിൽ കഴിഞ്ഞ കൊല്ലത്തേക്കാൾ കൃഷിയിൽ ഇരട്ടി നഷ്ടമാണുള്ളതു്. അതുകൊണ്ടു് ഗവമ്മെണ്ടിന്റെ പണ്ടത്തെ ഷെഡ്യൂൾ റേയിറ്റുവെച്ചാൽ പോരാ. പണ്ടത്തേക്കാളും നാലിരട്ടിയിൽ കൂടുതലായി ഷെഡ്യൂൾ റേയിറ്റിൽ കവിഞ്ഞ കൂലി കൊടു

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ത്തിട്ടും ആളില്ല. ആളുകൊണ്ടു് ഈ വക യാതൊന്നിന്നും ഇപ്പോൾ പുറപ്പെടാതെയിരുന്നാൽ അടുത്ത കരണ്ടോ രണ്ടോ കൊല്ലത്തിനുള്ളിൽ എല്ലാം വേണ്ടപോലെ ചെയ്യുവാൻ സാധിക്കുമെന്നുള്ള വിശ്വാസത്തോടുകൂടി ഞാൻ ഇതിനെ എതിർക്കുന്നു.

*Mr. K. Narayan Menon (*Mulakunnathukavu*): Sir, I rise to oppose this Bill as it is now tabled and I am really glad that a sensible proposition has been placed before this Hon'ble House by the Hon'ble Member for Anthikad. I fully agree and appreciate the position that has been taken by him that if at all any question of eviction for self-cultivation has to be considered it has to be considered on the very strong point as meriting consideration whether the tenant is himself cultivating it for his own benefit or whether he is leasing it or sub-letting it or transferring it. This point certainly deserves consideration. If a landlord wants his property for his own cultivation and if the tennant who is in actual possession is about to transfer it or lease it, it naturally follows that the purpose for which the former wants it has certainly to be preferred to that of the tenant. That is a strong point that certainly deserves consideration. About the other aspect of transfer his claim is pre-emption right must go to the landlord. In many a land it has been accepted as a good law that in cases of pre-emption the right of the landlord should prevail. That is another strong point on which that aspect will certainly deserve a very considerate expression of opinion. As the Bill now stands it simply says 5 acres or a moiety if it exists so that both upon scientific principle and on psychology it has no basis to stand and much less can it be supported. As regards the observation of the Kuttikrishna Menon Committee which was quoted in extenso by the Hon'ble Member for Landlords it is not a new document and it has nothing new. When the Verumpattamdars Bill was drafted by the Government and was presented to this House that report was in existence and we cannot think for a moment that the learned member for Law was not aware of that. On the other hand defects were noted in that. The difficulties attendant on the conferment of the right upon the jenmies must certainly have weighed more upon the Government in providing that the provisions of that report should not be in this Bill. As was also remarked by the Hon'ble Member for Anthikad there was a definite proposal, a definite amendment that a certain portion may be made available for self-cultivation. Government were not at all in favour of that and when all that is done and the difficulty is now felt that it amounts almost to an expropriation of proprietorship they do come with this, they do support that something should be done. But I do not think that that support can be translated into a support to this Bill as I understand the note by the Hon'ble Member for Law who was the Chairman of the Select Commitee as is seen reported. That is something deserving consideration and in the light of the discussion that we had here we can very well trust that the Government will come in with an amendment in regard to the provisions that are discussed here and also for making some provision for the working of the Act without detriment to either party. As it is now tabled it is open to very serious attack that it does not provide for the safeguard of any one's interest and such a Bill I cannot support.

Panel Chairman: Did not the Select Committee examine the question?

Mr. K. Narayana Menon *(Mulakunnathukavu):* It examined it. The Select Committee considered the provisions of the Bill. These aspects were not before the committee and I may inform the Hon'ble Chair that I was not a member of the Select Committee. The points that are now advanced by the Hon'ble Member for Anthikad do deserve consideration and the attitude of the Government also is that something must be done to remove this view that it is after all a very expropriatory measure. It is something which we can certainly respect and I do not think any Hon'ble Member of this House will stand dogmatically and say "no, no, that will never be done". But the Bill as it stands, Sir, is absolutely without any possibility of amendment and therefore we oppose this Bill.

Mr. K. T. Achuthan *(Ezhuvas-Talappalli):* Sir, I also oppose this amending bill. If we concede that in extremely necessary cases a landlord may be given the right to take back lands from tenants I think the same principle can be adopted in the case of kanam tenants also. If we concede this point then we have to concede the other also. What is the objection to have the kanam tenants also being evicted? The only thing is that he will have to be paid compensation for improvements.

Mr. T. P. Poulose *(Kanayannur):* The right is always there.

Mr. K. T. Achuthan *(Ezhuvas-Talappalli):* I think so far as many of the landlords are concerned they may not press this point because they will already have a portion in self-possession for self-cultivation and they might have leased out only the remaining portion. A good

*Speech not corrected by the Hon'ble Member.

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number of them can have their own cultivation and the others can seek other avenues of life and they may not require this 5 or 6 acres for their own self-cultivation. In the case of the middle-class landlords as was referred to by the Hon'ble Member for Kunnamkulam, generally they have not given lands at a very low pattam and have based but only after taking into considration the actual income of the property and the pattam may be the maximum that can be taken from that land. Generally the pattam will be the maximum that can be leviable as pattam. The landlord is not a looser under the present arrangement. If he wants to take up a particular item for self-cultivation in some cases he has to spend a lot of money in return for what he would be getting out of that cultivation by himself. So that there will be no advantage in his aequiring the property. So taking into consideration all these aspects it will be seen that there will be only an extremely small number of cases in the whole of Cochin which deserve consideration of the question of giving right of eviction for purposes of self-cultivation. Their difficulties are manifold. They can abuse it, they can mis-use it and so many other things can happen. So under the circumstances, I am constrained to oppose this Bill.

*Mr. K. M. Ibrahim *(Cranganur):* Sir, I have got first-hand information that this right exercised by the landlords in British Malabar is grossly abused there. There have been very large complaints that under the protection of this eviction for self-cultivation, a large number of tenants have been evicted there and there is a persistent agitation in British Malabar so far as I know to get this clause deleted. There is no point at all in referring to the Kuttikrishna Menon Committee Report because if you are relying upon this protection to the jenmi, you have to concede to the very so many protections conceded to the tenants in that report.

Mr. K. Ashtamurthi Nambudiripad *(Landlord):* We are willing to accept those recommendations.

Mr. K. M. Ibrahim *(Cranganur):* Because of the fact that numerous proposals of the Kuttikrishna Menon Report are not law in Malabar, what is the point in urging a paragraph which is of benefit to the jenmi. That is not a fair way of reference.

Mr. President, Sir, I also was one of the unfortunate blind tenants who were on the Committee blind tenants who were on the committee who could not see eye to eye with the Mover of the Bill in accepting this. On the very face of it, Sir, this Bill is a very vague one. This Bill says that at the end of an agricultural year, the landlord may acquire a holding of five acres for cultivation. But does this Bill say that the landlord has nothing else than these five acres. If it is the case that the landlord has only five acres of land referred to in the section and the whole of the rest is leased out to tenants, we could have understood it. But where is the definition of that? The landlord might have hundred other acres and if he wants these five acres, according to the provisions of the Bill, he has to be given the land.

Panel Chairman: The Committee could have made that point clear.

Mr. K. M. Ibrahim *(Cranganur):* The Committee rejected the Bill because of its nature, That is why they rejected the Bill. I request the House to be pleased to realise that we are now considering a Bill which has been rejected by a Select Committee appointed by the House. So, on the very face of it, there is a duty cast on the non-official members of this House to see that there must be exceptional reasons to vote the finding that has been reached by the Select Committee created by you. On these grounds, I request the House to throw out this Bill.

*ഖാൻ സാഹിബ് ഇസ്മായിൽഹാജി ഇസാസേട്ട്: മിസ്റ്റർ പ്രസിഡണ്ട്, സർ, ഈ ബില്ലിനെ സംബന്ധിച്ച് ഇവിടെ നടന്ന വാദപ്രതിവാദങ്ങളിൽനിന്ന് എനിക്ക മനസ്സിലാക്കുവാൻ കഴിഞ്ഞിട്ടുള്ളത് ജന്മിക്ക സ്വന്തമായി കൃഷിക്കുവേണ്ടി അഞ്ചേക്കർ ഭൂമിയെങ്കിലും കിട്ടണമെന്നുള്ള അഭിപ്രായമാണ്. വെറുമ്പാട്ടക്കുടിയാൻ ബില്ലുകൊണ്ട് ഒരു സെൻറ് ഭൂമിപോലും ഒഴിപ്പിക്കുവാൻ പാടില്ലാത്ത നിലയിലാണ് അതിവിടെ പാസ്സാക്കീട്ടുള്ളത്. ജന്മിയും കുടിയാനുംകൂടി ആദ്യമായി ഒരു എഗ്രിമെൻറ് ചെയ്തതിനുശേഷമാണ് ജന്മിയുടെ ഭൂമി കുടിയാൻറെ കയ്യിൽ പാട്ടത്തിന് കൊടുക്കുന്നത്. അതിനുശേഷം ജന്മിക്ക സ്വന്തമായി കൃഷിചെയ്യുവാൻ അതിൽനിന്ന് അഞ്ചേക്കർ ഭൂമി ആവശ്യമാണെന്ന കണ്ടാൽ ഒഴിപ്പിച്ച് എടുക്കാമെന്ന പറയുന്നതിൽ എന്തർത്ഥമാണുള്ളത്? അഞ്ചേക്കർ ഭൂമികൊണ്ട് ജന്മിയുടെ ആവശ്യം മതിയാകുമെന്നുണ്ടെങ്കിൽ അതിൽ ഏതാണ്ട് അർത്ഥമുണ്ടാകുമായിരുന്നു. ജന്മിയുടെ ആവശ്യത്തിനുവേണ്ടിയാണെന്ന പറഞ്ഞ് കുടിയാനെ ബുദ്ധിമുട്ടിക്കുന്ന തരത്തിൽ വെറുതെ അഞ്ചേക്കർ ഭൂമി ഒഴിപ്പിച്ചെടുക്കാമെന്ന വരുന്നതു ശരിയല്ല. അതുകൊണ്ട് ജന്മിക്ക മാത്രമല്ല, കുടിയാനും നഷ്ടമാണുള്ളത്. കുടിയാൻ ജന്മിക്ക ഭൂമി കൊടുക്കുകയില്ലെന്ന

* Speech not corrected by the Hon'ble Member.

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ള്ള മനഃപൂർവ്വവിചാരത്തോടുകൂടിയാണ് പെരുമാറുന്നതെങ്കിൽ ആ ഭൂമി ജന്മിക്കു് ഒഴിഞ്ഞു കിട്ടേണ്ടതുതന്നെയാണു്. ജന്മിക്കു വാസ്തവത്തിൽ ഈ അഞ്ചേക്കറിൽ കൃഷിചെയ്യുന്നതുകൊണ്ടുമാത്രം അയാളുടെ ആവശ്യങ്ങൾ നടക്കുമെന്നുണ്ടെങ്കിൽ കൊള്ളാമായിരുന്നു; അങ്ങിനെയുള്ള ഒരുദ്ദേശമാണുള്ളതെങ്കിൽ ഈ അഞ്ചേക്കർ ഭൂമിയൊഴിച്ചു് ബാക്കിയുള്ളതു് എപ്രകാരമെൻറപ്രകാരം കൂടിയാണെ ഏല്പിച്ചാൽ മതിയായിരുന്നു. ഈ അഞ്ചേക്കർ ഭൂമി മറെറാരു വിധത്തിൽ അന്യാധീനപ്പെടുത്തി ജന്മിയെ നഷ്ടപ്പെടുത്തുവാൻ കൂടിയാൻ വിചാരിക്കുന്നുണ്ടെങ്കിൽ അതു തടയേണ്ടതു് ആവശ്യമാണു്. അതു് അങ്ങിനെയുള്ള സന്ദർഭവരുമ്പോൾ മാത്രമേ ആലോചിക്കേണ്ടതുള്ളൂ. അപ്പോൾ നിയമത്തിൽ വേണ്ട ഭേദഗതി വരുത്താവുന്നതുമാണു്. ഇപ്പോൾ അതിൻെറ ആവശ്യമില്ലാത്തതുകൊണ്ടു് ഞാൻ ഈ ബില്ലിനെ എതിർക്കുന്നു.

Mr. M. Sivarama Menon *(Advocate-General):* Sir, the sacredness of property was kept in view by the members of the Select Committee when they considered the original Verumpattamdars Bill. On a consideration of all the facts brought to our notice in the course of the discussions and a perusal of Mr. Kuttikrishna Menon Committees' Report we believed that a right of eviction for purposes of self-cultivation if conferred would lead to much abuse and therefore we thought that it may prejudicially affect the benefits that are sought to be conferred by the provisions of the Cochin Verumpattamdars Act. Government even then stated that if some means could be devised by which the abuse of that right can be prevented as far as possible and the interest of the jenmi as well as of the tenant protected by adequate provisions then it is a matter which is open to consideration. After the passing of the Cochin Verumpattamdars Act it has transpired that even on the flimsiest grounds which could be availed of by a landlord, action was taken to secure eviction. Even for default of payment of very petty Puravaka dues suits for eviction were filed. It may be that such action was on account of the psychological feeling created in their minds that as a matter of fact the Cochin Verumpattamdars Act is an expropriatory measure and that they have been divested of their property. That feeling has created a sort of bitterness in the relationship between the landlord and the tenant. The question is whether there should be any right of eviction for the purpose of self-cultivation. That right is one which has been appreciated all along by all the members of the Committee who have had occasion to consider this question. Even the committee constituted for the purpose of considering the Bill introduced by Mr. Eachara Menon thought that there may be several deserving cases where the right of eviction ought to be conferred. But again they were beset with the difficulty that it will be abused in the nature of *benami* transactions, transfers in the name of close relatives and so on thereby really screaning from the public view the real nature of the transaction that has been entered into. They were observed with the consideration that however much one may try to impose safeguards it is possible for the ingenuity of man to get out of the clutches of the provisions. Can it be said that as a matter of fact not even a minimum guarantee can be vouchsafed to see that abuses are minimised as far as possible. That is the question which really we have to consider. And the learned speeches of some of the Hon'ble Members in this House will itself rend colour to the belief that some relief is necessary. In the view of the Government, the psychological effect which is already there will in the long run lead to a sort of bad feeling existing between the landlord and the tenant in the case of Verumpattam holdings. One point of view stressed is that the Act does not contain even a provision for having temporary leases. That is, if as was stated by the Hon'ble Member for Kanayannur a person happen to accept an appointment at a time when there is nobody to look after his property he is forced to lease out that property. Similarly people will be forced to execute such lease deeds when they go elsewhere to follow their education or other persuits of life and after 8 or 10 years return and find that he cannot get back the property. This will create a feeling in them which is sufficient to produce rancour against the provisions of the Act and against the tenants enjoying the property. If a right of eviction is continued with safeguards in respect of new leases alone, there may not be serious objection to it. Suppose we put the period at ten or twelve years—a reasonable period. If a lease has been in existence for more than 10 or 12 years it leads to the inference that the landlord does not care to cultivate his property and that he is satisfied with the return that he is able to secure from the tenant. There is no reason why he should change his mind and become a self cultivator. Therefore why not legislate to the effect that a person who has leased out his property for more than 10 or 12 years should not have the right to evict the tenant. That I think is a safeguard which will satisfy one school of thought.

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Then the second point is that if a property is given "A" for being cultivated by him and being enjoyed by him he must continue to cultivate that property. Why should he try to make out a bargain out of the economic results produced by the enactment of the Cochin Verumpattamdars Act. Prior to the enactment of the Cochin Verumpattamdars Act you will find that a tenant will on eviction get only the value of his improvements and also the "Mupattam" if any that has been paid by him to the landlord. But after the passing of this Act because fixity of tenure has been granted there is no doubt a particular market value for the holding as such to which in strict parlance he is not really entitled to. Why should he transfer his permanency as against the landlord, and stand to gain? Therefore in cases where the tenant alienates or sublets the holding it may be a case where the right of eviction should be conferred on the jenmi with the condition that it should be for the purpose of self-cultivation. Then again there is the question as to what ought to be the safeguard if a partition takes place in a joint family consisting of several members. No doubt the Act has enabled such a person to evict any Verumpattamdar from his holding except his "kudiyiruppu" for the purpose of constructing a residential house. It may also be a case where there is a genuine need for evicting the tenant for the purpose of self-cultivation. It is there that I find that there is likelihood of abuse and what sort of restriction can be placed upon that is the next question that must be seriously considered. If a person has got possession of self-acquired lands to the extent of three or five acres, why should he get back the joint family lands given to him in partition when they are already leased out. He can cultivate the other lands. Why should he cultivate a particular land "A" or "B" when he is in possession of land "C". If we fix a minimum extent of property from which the lessee can be evicted for purposes of self-cultivation I think that that is a sort of safeguard which will enure to the benefit of the landlord as well as to the tenant. The extent of 5 acres as contemplated in this Bill appears to be rather too large an extent regard being had to the conditions prevailing in the State. If we place the limit at 3 acres it may be a more reasonable safeguard. Considering all these matters and watching the discussion in the House as a whole Government feel that there is a genuine apprehension and a feeling in the minds of the Hon'ble Members that something ought to be done by the Government in this matter. But regard being had to the stand taken by the House even on the day when the Bill was introduced in this House the Government have chosen to consider for themselves and intend to place before the House the several restrictions that can reasonably be thought of in the light of the discussions upon the provisions of this Bill which we had in this House to-day. At the same breath I can say that the Bill as moved by Mr. Eachara Menon is not acceptable to the Government in its entirety. The safeguards that are to be introduced are several and sufficient care has to be taken to guard the interests of all persons concerned. Therefore the Government are prepared to accept the principle of the right of eviction for the purposes of self-cultivation with adequate and sufficient safeguards. Government are therefore prepared to vote for the motion that the Bill be taken into consideration. If the House is pleased to pass that motion it does not mean that Government is prepared to swallow the Bill as tabled. Government propose to request the House if the motion is passed, to adjourn further consideration of the Bill to to-morrow so that the amendments regarding the several safeguards may be introduced and separately put, so that voting can be had on each of the points.

Mr. T. P. Poulose *(Kanayannur):* I would like to point out that to-morrow is the last day of the sitting.

Mr. M. Sivaram a Menon *(Advocate-General):* Government want to have the vote of the House on the several points taken separately though the final stages cannot be reached. Government wish to have the opinion of as many Members of the House as possible so that they may resolve what are the safeguards that are approved to be useful in order that the spirit and purpose of the provisions of the Act may not be abused. In the light of this position Government are going to support the motion for consideration of this Bill.

Mr. T. P. Poulose *(Kanayannur):* The difficulty is that as the Bill now stands there is no such safeguard.

Mr. M. Sivarama Menon *(Advocate-General):* We are accepting the principle of the Bill, that is all.

Mr. T. P. Poulose *(Kanayannur):* How can we make up our mind without knowing what the amendments are?

Mr. M. Sivarama Menon *(Advocate-General):* We will have them to-morrow. The basic safeguard is that leases more than twelve years old are not liable to eviction.

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Mr. T. P. Poulose *(Kanayannur):* If the lease is for a lesser period?

Mr. M. Sivarama Menon *(Advocate-General):* We will discuss the points to-morrow. The extent may be limited to 3 acres for the purpose of self-cultivation. If it is an eviction for the purpose of self-cultivation for the members of a family and if the lands already in the possession of the family on the date of eviction exceed 3 acres then there is no right of eviction.

Mr. T. P. Poulose *(Kanayannur):* That will apply to leases more than 12 years old also.

Mr. M. Sivarama Menon *(Advocate-General):* In any case leases more than 12 years old are taken out of the category and such lands are non-evictable under any contingencies. That goes a great way. When a person has not cultivated his lands for 12 years why should we confer a right of eviction on him He has not chosen to use the land for a long time and so he is not a person deserving consideration in the light of the provisions of the Act. This is the position that the Government have taken up. That is the view that Government have in mind and by voting for the motion that the Bill be taken into consideration it will not mean that the House is bound to pass the Bill as it is in view of the assurance that the Government will be tabling amendments. It is conditioned on that understanding Government have already got some amendments ready but we wanted to watch and see the attitude of the House before tabling them. We find as a matter of fact that there have been several useful suggestions thrown out on the floor of this House and therefore we have to modify and adjust some of our amendments. This will be done to-morrow.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* May I make a suggestion, Sir.

Panel Chairman: Yes.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Mr. President, that the observations or rather the announcement made by the Hon'ble Advocate-General on behalf of Government is worthy of serious consideration is easily conceded but that these things can be considered and made ready for consideration for to-morrow is a proposition which is not easily accepted.

Mr. M. Sivarama Menon *(Advocate-General):* Excepting those points that we have been discussing here there is nothing to be done at all.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Still that requires examination, because we have had the experience of hasty considerations of Bills and also suggestions like these and with that experience it is not very desirable that we go into the matter over night and be ready with these suggestions for consideration to-morrow. This Council is only going to be dissolved it is not going to end, it will again be meeting and the heads of the mover as also the Hon'ble Law Member as also a few members representating the tenant side and the jenmi side, blind or otherwise can be put together; they can put their heads together and make some feasible and adjustable things ready for the next time we meet here. That will be the proper thing. Doing it over night according to me will not be helpful that is my own opinion and I leave it for the sympathetic consideration of the others.

Mr. K. S. Panickar *(Ezhuvas-Mukundapuram):* On a point of information ഈ കക്കടകം ബഡ്ഡറ്റ് സെഷൻ വരുന്നതിനു മുമ്പ് ഈ ബില്ല് പാസ്സായിലെങ്കിൽ വല്ല അപകടവും വരുമോ എന്നറിഞ്ഞാൽകൊള്ളാം. ഇതു് ഇപ്പോഴേതന്നെ പാസ്സാക്കണമെന്നു് വല്ല നിർബ്ബന്ധവുമുണ്ടോ ?

Panel Chairman: Order, order—this is not question hour. The Hon'ble Member for Vadakkancheri wanted some information and I allowed it.

Mr. T. P. Poulose *(Kanayannur):* The suggestion is that further discussion be postponed to to-morrow.

Mr. M. Sivarama Menon *(Advocate-General):* Yes.

Mr. T. P. Poulose *(Kanayannur):* So the motion that is going to be put to vote is that further discussion on the Bill be postponed to to-morrow.

Panel Chairman: Yes. I think so.

Mr. M. Sivarama Menon *(Advocate-General):* It is only after the motion for consideration of the Bill is carried that we need consider about further discussions. If the thouse is not inclined to allow consideration of the Bill then the question of amendments will not arise.

Mr. T. P. Poulose *(Kanayannur):* I will suggest that in view of the controversy around this question it may be better that we see before hand what your amendments are.

Mr. M. Sivarama Menon *(Advocate-General):* Each amendment will be put to vote separately so that we can record the opinion of the House on each and every point. If the House is pleased to postpone consideration to to-morrow the Government undertake that they will introduce the amendments to-morrow.

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Mr. T. P. Poulose *(Kanayannur):* I made the suggestion only to be on the safer side.

Mr. M. Sivarama Menon *(Advocate-General):* If the motion for consideration is not opposed we will stop further discussion and we will in the latter stage introduce amendment.

Mr. Ephraim Ouseph *(Narakkal):* Then there will be no chance of Mr. Ezhuthassan's Bill coming up.

Mr. M. Sivarama Menon *(Advocate-General):* That will depend upon the time taken for discussion.

Mr. C. V. Iyyu *(Kunnamkulam):* There will be many amendments and much time will be taken up.

Mr. M. Sivarama Menon *(Advocate-General):* I hope the House will fully realise the responsibility that rests with it. We have already discussed the several points in detail and I don't think much time will be required to-morrow. If we cannot rise up to the occasion and adjust ourselves I fail to see how we are capable of any serious work.

Motion put and carried

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Poll, Sir,

Ayes

1.	Khan Sahib Ismail Hajee Essa Sait	13.	Mr. P. K. Krishnan
2.	Mr. A. Eachara Menon	14.	Rama Varmha Tampuran
3.	Mr. K. Ashtamoorthy Namboodiripad	15.	Mr. A. Madhava Prabhu
4.	Mr. T. P. Poulose	16.	Rao Sahib I. N. Menon
5.	Mr. V. K. Bhaskara Menon	17.	Mr. V. K. Aravindaksha Menon
6.	Mr. A. B. Salem	18.	Mr. P. V. Raphael
7.	Mr. George Panikulam	19.	Rao Sahib Dr. T. Verghese
8.	Mr. K. M. Ibrahim	20.	Mr. M. Sivarama Menon
9.	Mr. C. K. Nayar	21.	Mr. C. J. Mathew
10.	Mr. N. Govinda Pai	22.	Mr. B. V. K. Menon
11.	Mr. C. J. Luis	23.	Khan Sahib Y. M. Roshan Sahib Bahadur
12.	Mr. N. V. Subbarayan Chettiar	24.	Rao Sahib M. M. Paul
		25.	Mr. S. Venketeswaran

Noes

1.	Mr. B. M. Peter	6.	Mr. K. S. Panikkar
2.	,, K. R. Achuthan	7.	,, P. Narayana Menon
3.	,, K. T. Achuthan	8.	,, P. Kumaran Ezhuthassan
4.	,, Ephraim Ouseph	9.	,, K. Kunhirama Menon
5.	,, C. V. Iyyu	10.	,, K. Narayana Menon

Motion carried 25 for and 10 against

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* The neutrals may also be counted, Sir.

Panel Chairman: It has been the practice not to count the neutrals.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It is wrong, that has not been the practice. You can see, the books are there.

Rama Varmha Tampuran, M.B.E. *(Secretary to Government):* I move that further consideration of the Bill may be taken up only to-morrow.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I object to that on the ground that the Bills that stand in my name may not come up for consideration. Strictly speaking even this motion could not have been taken into consideration because in the yesterday's Agenda it was not there. But I did not raise any objection out of courtesy.

Mr. T. P. Poulose *(Kanayannur):* As an amendment to the motion I propose that the Bill be taken up after Mr. Ezhuthassan's Bill is taken into consideration.

Rama Varmha Tampuran, M.B.E. *(Secretary to Government):* We have no objection.

Panel Chairman: Have you anything to say Mr. Ezhuthassan ?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I am making a suggestion, Sir,....

Panel Chairman: What is your suggestion ?

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* It is only stated that Mr. Ezhuthassan's Bill will get preference. May I know whether the two items stand in my name according to yesterday's altered agenda will be taken up before further discussion on this is continued.

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Mr. M. Sivarama Menon *(Advocate-General):* That is not possible. Consideration of the amendments that may be moved with regard to Mr. Eachara Menon's Bill need be taken up only after consideration the Verumpattamdars' amendment Bill of the Hon'ble Member, and we can go to the Agriculturists' Relief Bill when we have finished the two Verumpattamdars' amending Bills. I think you will easily agree to this.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I have suffered by agreement.

Mr. M. Sivarama Menon *(Advocate-Genaral):* By a sort of arrangement among us all these things can be managed unless you wish to avoid consideration of Mr. Eachara Menon's Bill.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I object to this Bill being taken to-morrow.

Mr. M. Sivarama Menon *(Advocate-General):* I am told that Mr. Echara Menon's Bill got the first place in the ballot and it came to be discussed not because of any lapse in the agenda. In the ballot it is Mr. Echara Menon's Bill that got precedence over your Bill and that is the reason why it was considered earlier.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* If wrong methods are adopted in the office I am not responsible.

Mr. T. P. Poulose *(Kanayannur):* In the Agenda also Mr. Echara Menon's Bill comes first.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Yesterday we were given an agenda and in that Mr. Echara Menon's Bill finds a place.

Panel Chairman: I feel your grievance. The point is there is an omission and the Hon'ble Law Member has already made a suggestion.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* I do not stand in the way of this "bunkam" going on, Sir.

Panel Chairman: I think the Hon'ble Member should withdraw the world "bunkam".

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Out of difference to the Chair I withdraw the word.

Mr. T. P. Poulose *(Kanayannur):* So we will proceed with the discussion to-morrow.

Mr. M. Sivarama Menon *(Advocate-General):* Yes, Sir, after the consideration of the Verumpattamdars' Amendment Bill moved by Mr. Ezhuthassan.

Motion put and carried.

Mr. P. Kumaran Ezhuthassan *(Vadakkancheri):* Sir, I move that the Cochin Verumpattamdars Act Amendment Bill as reported by the Select Committee be taken into consideration, and in doing so, I wish to make a few observations on the changes effected by the Committee in the draft Bill. The draft Bill that was sent to the Select Committee by this House was a 10 clause Bill. Clause 3 of the draft Bill referred to reduction of pattam in cases of deterioration or even loss of portions of the holding by an act of visonajor. The Select Comittee has accepted that clause but have added a proviso that in such cases the portion of the holding so deteriorated may unconditionally be surrendered to the jenmi. That is the change made by the Select Committee. The next clause 4 of the draft Bill was with regard to the pattam regarding co-coanut gardens. Considering that the Hon'ble Deputy President's Bill, on the same section which was also refused by the same committee gives a sort of better relief to the tenant, that clause for that reason also were given up by the committee. The clause 5 of the draft Bill referred to the time within which pattam should be paid. The draft Bill suggested that instead of 3 months from *each of the instalments*, a change for payment within 3months from the *last instalment* may be incorporated that clause was also given up by the committee going its own reasons therefor. Then, Sir, clause 6 was in regard to condonation of forfeiture incurred for non-payment in time. That has been accepted by the committee but with a proviso namely that the three months' period after the due date granted for payment contained in the existing Act is to be given up. In the re-drafted that also given up. That is the other change. Clause 7 related to restoration of surrenders of portions of the holding if required for house construction of the jenmi or the members of his family. The existing provision in the Act is that if within 5 years the jemi does things not contemplated at the time of the surrender. In the

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Bill the verumpattam tenant gets the right to get back the property. In the draft Bill the change was if the jenmi does so at any time, the tenant gets the right to get back the property. In regard to house construction if it is not started within 2 years from the date of surrender. Clause 8, I wanted some change but both these clauses after discussion were also given up. That is the next change made by the committee. I was referring to clauses 5 and 6. The last clause was that the sections of the Tenancy Act dealing with receipt for payment of pattam and other things, a clause may be added not exactly keeping with the provisions of the Tenancy Act, but with slight changes in section 19. There, all except section 19 was accepted by the Select Committee as contained in the draft Bill, but with regard to section 19 which was sought to be introduced, the Select Committee has made a slight change, that is, from the form it had taken in the draft Bill, it has been replaced word for word by the introduction of the corresponding clause of the Tenancy Act. These are the changes that have been made by the Select Committee and agreed to by every one member, thus far, though it was a matter not of compromise, but a complete surrender to the wishes of the Hon'ble Members representing the Government, as will be seen from the speeches of the Hon'ble Member for Law at the time of the introduction of the previous stage. Every point of objection raised by the Hon'ble Member for Law at that time had been accepted, which I cannot consider as a matter of compromise, but it was a matter of surrender, but even as a matter of surrender on the ground that discretion is the better part of valour, we had subjected ourselves to that.

With regard to clause 2, which is worthy of being read, the majority of the committee was for giving it up. Clause 2 runs thus. "It extends to the whole of Cochin and shall come into force from 19th Kumbham 1118", that is the date of the passing of the Act becoming law. That was what was in the draft Bill. With regard to that the position of the majority of the Select Committee was as stated here to this effect. The whole of the observation of the Select Committee in this regard is worth reading. I am preparing the ground for the amendments. "Clause 2 of the Bill had provided for retrospective operation from 19th Kumbham 1118. The committee think that retrospective operation need not be extended to this Bill". Significant it is, Sir, that the committee has not thought it necessary to note down in their report why the committee thought that that retrospective effect need not be given. That is a significant fact and may be noted. Another important fact to be noted is although the Hon'ble Member for Law at the last stage in seriatum raised objection for clause after clause, significant it is, Sir, that there was no one word of demur against clause of the draft Bill. I give these as points to be borne in mind. Now, Sir, the observation of the majority of the Select Committee forced me to write out dissenting minute that is also attached to the Select Committee Report. It is stated there, Sir, that I did not find my way to accept the position of the majority of the committee and hence I have written the dissenting minute, that is printed there. I do not want to refer to it now. But, I have made a modification. I have stated there "I am therefore emphatically of opinion that clause (2) of the Bill should be retained, if necessary with certain equitable limitation". It is only in implimentation in the portion of the closing words that I have tabled the amendments The amendment as also the last new clause have to be taken as a consequential clause following from the first amendment if that is going to be carried. With these observations, Sir, I commend, for the consideration of the House, this Bill as reported by the Select Committee.

Mr. K. Kunhirama Menon *(Cheruthuruthi)*: I second it.

Motion put and carried

The House rose for the day at 4-56 p.m.

N. S. RADHAKRISHNA SARMA

Secretary to the Council.

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